

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Edward Toliver, Jr.,

Civil No. 07-4308 (DWF/JJG)

Petitioner,

v.

ORDER

Warden Dwight Fondren,

Respondent.

Edward Toliver, Jr., *Pro Se*, Petitioner.

W. Anders Folk, Assistant United States Attorney, United States Attorney's Office, counsel for Respondent.

This matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Edward Toliver, Jr.'s petition for writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED** as moot;
2. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 4, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

